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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	<i>Application Number</i>	09/386,450
	<i>Filing Date</i>	August 31, 1999
	<i>First Named Inventor</i>	HÖTTEN et al.
	<i>Group Art Unit</i>	1647
	<i>Examiner Name</i>	D. Romeo
	<i>Attorney Docket Number</i>	2923-0278
<i>Title of the Invention: NEW GROWTH/DIFFERENTIATION FACTOR OF THE TGF-β FAMILY</i>		

SUPPLEMENTAL REMARKS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

In reviewing the amendment filed on August 15, 2003, the applicants realized that some of the remarks which were made regarding Lee were unclear. Applicants wish to clarify that Lee had no indication of an activity of GDF-5 in the cartilage/bone region before he performed the experiments according to Examples 3 and 4. However, these Examples were disclosed after the priority document of the present application. Lee did not realize or disclose an activity of GDF-5 in the cartilage/bone region prior to the present invention. If it had been self-evident or likely for the skilled artisan to ascertain bone-inducing activity, Lee surely would have stated this in his priority document since he was a well-known expert in this field. Applicants respectfully contend that Lee does not anticipate or render obvious activity in the bone/cartilage region.

In addition, some references were cited in applicant's August 15, 2003 amendment which may not have been sufficiently identified. Further details regarding these references are provided below.


D13 is Lee, Proc. Natl. Acad.Sci. USA, vol. 88, 4250-4254, 1991

D24 is Daluiski et al., Nature Genetics, vol.27, 2001, pp.84-88, and

D32 is Bahamonde and Lions, The Journal of Bone and Joint Surgery, vol.83(A), suppl.1, part 1, 2001, pp.S1-56 to S1-62, BMP-3_To Be or Not To Be a BMP.

Applicants respectfully submit that all of claims 30-41 are in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

RESPECTFULLY SUBMITTED,					
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